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FEB 03 2006 DB

05-CR-00173-BCST

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Cause No. 05-173 RSM

Plaintiff,

4

PETITION FOR KUPALA TARA

ROBERT V. KESLING,

Defendant:

KUPALA TARA.

Petitioner.

COMES NOW Kupala Tara, pursuant to Title 21, USC Section 853(n) and submits this Petition in support of her claim of an interest in some of the properties being forfeited by the United States. Petitioner claims that she is a bona fide purchaser for value without reasonable cause to believe that any of the properties that she claims is subject to forfeiture.

On January 5, 2006, Petitioner received notice of the United States intent to forfeit properties listed in a notice dated December 9, 2005 in the case of United States v. Kesling, cause number CR05-173RSM.

Included amongst the properties listed are items of personal property that belong to the petitioner. Those properties include (1) a 2004 Harley-Davidson 883 Sportster, VIN

1 H4V4CAM114K455143. The monies used to pay for this motorcycle came from income
2 derived by the petitioner from working either at Deja Vu in Lake City, Washington or the
3 Hustler Club in San Francisco, California.

4 Petitioner deposited approximately \$8,000.00 of her income into a joint account with
5 Kesling and those monies were used by him to purchase the motorcycle for the petitioner.
6

7 Petitioner also claims an interest in item (m), the Rolex Oyster Perpetual women's
8 watch. The item was purchased for petitioner as a gift in 2004.

9 Petitioner further claims an interest in item (n), a diamond gold necklace¹. Petitioner
10 believes that the necklace was seized from her home at about the time that Mr. Kesling was
11 arrested and believes and, therefore, alleges that the item in question was a gift from her
12 family.

13 Petitioner claims an interest in item (o) a pearl necklace. She believes that this item
14 was purchased by her while she was visiting in Mexico in 2004.
15

16 Petitioner also claims an interest in item (q) a Hewlett-Packard laptop. This item was
17 purchased for Ms. Tara by her mother to use when she went to school. Petitioner believes that
18 she either purchased the item herself with monies given to her by her mother or with monies
19 deposited to her school account.

20 Petitioner also claims an interest in item (r) a Sony computer. In fact, the government
21 did not seize the computer but only the hard drive. Petitioner requests that the hard drive be
22 returned to her.
23

24 Item (l) the 2004 Harley-Davidson 883 Sportster was purchased on or about July
25 2004.
26

¹ Petitioner believes this necklace is hers; however, would like to see a picture of it to be certain.

Item (m) the Rolex Oyster Perpetual women's watch was a gift to her purchased in approximately in 2003.

Petitioner is not sure exactly when item (n) the diamond gold necklace was purchased. It was a gift from her family.

The pearl necklace, item (o) was purchased in 2004.

For the reasons outlined in the Petition, Kupala Tara requests that the items of property listed be returned to her.

DATED this 12th day of February, 2006.

Respectfully submitted,

Kupala Tara, Petitioner

Kunalay Tara, Petitioner

Allen M. Ressler, WSBA #5330
RESSLER & TESH, PLLC
Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA

No. 05-173 RSM

Plaintiff,

DECLARATION OF SERVICE

4

ROBERT V. KESLING

Defendant.

KIPALA TARA

Petitioner

I certify under penalty of perjury under the laws of the State of Washington that I sent the "Petition for Kupala Tara" to:

Richard Cohen
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271

via ABC Legal Messengers on February 3, 2006.

DATED at Seattle, Washington, this 3rd day of February, 2006.

Katie Meyer
Katie Meyer

LAW OFFICES OF
RESSLER & TESH, PLLC
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